



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: DECEMBER 1, 2015**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT      WARD: 4**  
**DEPARTMENT**

**SUBJECT: PLANNING CASES P13-0263, P13-0264, P14-0769, P15-0269, AND P15-0158, ON BEHALF OF MIKE SADEGHIAN, CONSTRUCTION OF SIX BUILDINGS AND ASSOCIATED SURFACE PARKING AT 18171 VAN BUREN BOULEVARD**

## **ISSUE:**

The issues for City Council consideration include the following applications from Mike Sadeghian: 1) Planning case P13-0263, General Plan amendment to change the land use designation of approximately 7.7 acres from the Very Low Density Residential to Commercial; 2) Planning case P13-0264, amend the Municipal Code to rezone approximately 7.7 acres from the R-1-1/2 Acre from Single Family Residential and Orangecrest Specific Plan Overlay Zone to Commercial Retail and Orangecrest Specific Plan Overlay Zones; 3) Planning case P14-0769, a Conditional Use Permit to establish an approximately 10,000 square foot day care center for up to 175 children; 4) Planning case P15-0269, a Conditional Use Permit to establish an approximately 2,540 square foot drive-thru restaurant, and 5) Planning Case P15-0158, for a Design Review of the plot plan and building elevations that include two shell buildings for future occupancy by commercial/retail uses, an approximate 10,000 square foot day care center, an approximate 2,540 square foot drive-thru restaurant, an approximate 10,000 square foot two-story office building, an approximate 8,000 square foot medical office building, and associated surface parking.

## **RECOMMENDATIONS:**

That the City Council:

1. Determine the project, proposed on behalf of Mike Sadeghian, will not have a significant effect on the environment based upon the findings and mitigation measures set forth in the case record and adopt a mitigated Negative Declaration;
2. Adopt the Mitigation Monitoring and Reporting Program (MMRP) found in the attached staff report, pursuant to Section 21081.6 of CEQA;
3. Approve Planning Cases P13-0263, P13-0264, P14-0769, P15-0269, P15-0158 based on and subject to the Planning Commission findings and recommended conditions found in the attached staff report;
4. Adopt the attached General Plan Amendment Resolution; and

5. Introduce and subsequently adopt the appropriate rezoning ordinance.

### **STAFF/PLANNING COMMISSION RECOMMENDATIONS:**

Staff recommended approval subject to recommended conditions of approval. On September 3, 2015, the City Planning Commission recommended approval of Planning Cases P13-0263, P13-0264, P14-0769, P15-0269, and P15-0158 by a vote of 6 ayes, 1 noes and 0 abstentions, with modifications to staff recommended conditions. The Commission's recommended modifications have been incorporated into the project.

### **BACKGROUND:**

#### ***Proposal***

The current proposal from Mike Sadeghian involves the construction two shell buildings, of approximately 4,700 square feet and 6,000 square feet, for the future occupancy by commercial/retail uses; an approximate 10,000 square foot day care center; an approximate 2,540 square foot drive-thru restaurant; an approximate 10,000 square foot two-story office building; and an approximate 8,000 square foot medical office building. The associated surface parking on the project site is accessed by a singular two-way driveway on Van Buren Boulevard. The project does not take public access from Little Court, except for emergency vehicles.

The project site considered under this report is the entire approximately 7.7 acre two-parcel site; which is a change from what the Planning Commission reviewed in December 2014. Staff notes that the existing flag lot developed with a single family residence at 18233 Van Buren Boulevard is not part of the project site, as the property has a different owner who is not a part of this project.

#### ***General Plan Amendment***

The proposed C-Commercial General Plan land use designation will provide for future retail, sales, service and office uses that serve multiple neighborhoods within the City. The proposed Commercial land use designation can be supported, as it will be consistent with the General Plan Policy LU-75.3, which encourages local serving retail development to provide nearby shopping opportunities within the Orangecrest neighborhood. The existing General Plan land use designation of VLDR (Very Low Density Residential), is generally inconsistent with the planned and built land use pattern of parcels directly fronting on the Van Buren corridor, and is a remnant of the zoning designation that existed before the area was annexed into the City in 2008. The basis of staff's inconsistency determination is that single family residential properties and cul-de-sacs are discouraged from having direct access on to a major arterial street, such as Van Buren Boulevard. Arterial Streets carry through traffic and connecting to the state highway system generate vehicle associated noises, and generally have restricted access to abutting properties due to vehicle speeds and traffic volume.

Additionally, the Orangecrest Specific Plan supports the land use designations of General Plan 2025, as well as the zoning designations of the Zoning Code. As such, the proposed General Plan land use will be compatible with the Orangecrest Specific Plan.

### *Rezoning*

The proposed CR (Commercial Retail) zone is consistent with the site's proposed General Plan land use designation. The subject property has optimal site characteristics of customer convenience and visibility due to frontage along a major arterial street (Van Buren Boulevard). The proposed Zone Change will allow for future commercial development to occur on this property. While single family residents are established along the easterly side of Little Court, the project site's existing R-1-1/2 Acre (Single-Family Residential) zoning is generally inconsistent with the planned and built land use pattern of those parcels abutting directly along the Van Buren corridor.

To address site specific neighborhood compatibility concerns related to existing land use in relation to this proposed project, Staff recommends a series of traffic and operational conditions detailed in this report. Specifically, the project site shall have no vehicle access to the project from Little Court, except for emergency vehicles. In conjunction with the proposed rezoning, it is recommended that a building setback overlay zone be applied to this site, to establish a minimum 15-foot building setback along Van Buren Boulevard and the westerly property line, adjacent to the residential flag lot fronting Little Court. The 15-foot building setback is consistent with surrounding development along Van Buren Boulevard, would allow for sufficient landscape area, and would ensure an appropriate separation between residential and commercial uses. Further, a building stories overlay zone is recommended to limit buildings to a maximum of two stories, which would preserve and promote the health, safety and general welfare of the neighboring residential community.

Therefore staff recommends the following zoning be applied to the project site: CR-SP-X-15-S-2, which is Commercial Retail, Specific Plan (Orangetrest), Building Setback (15 feet from street and adjacent residentially zoned property), and Building Stories (Two-stories) Overlay Zones. Staff notes that the proposed Project has been designed to meet all applicable development standards of the CR Zone, and no variances are required.

### *Drive-Thru Business*

The proposed drive-thru restaurant meets all applicable standards for drive-thru businesses. No variances are required. While not ideal, the proposed drive-thru lane faces Van Buren Blvd., which is a Scenic Boulevard. Staff believes the drive-thru can be supported since all appropriate setbacks and development standards are met, and recommended conditions will screen the drive thru lane and window using a combination of landscaping, architectural treatment, and masonry walls. The recommended condition for screening requires the construction of a 4-foot wall along the easterly side of the drive-thru lane, which will limit headlight and noise impacts on the residents across Little Court. Other details related to the screening can be addressed by staff administratively, prior to the issuance of building permits.

### *Day Care Center*

The proposed "Learning Experience" is a before- and after-school day education program for up to 175 children and 8 staff. The day care center is proposed within a 10,000 square foot building located in the rear portion of the site, adjacent to the Little Court frontage. The day care center includes an adjacent outdoor play area. The location of the outdoor area was relocated at the request of the Planning Commission, so that the current proposal uses the day

care building to screen outdoor play area noise from the residents along Little Court. The proposed hours of operation are from 6:30 AM to 6:30 PM, weekdays only, and the outdoor play area will be enclosed by a security fence. The use can be supported for this location as the proposal is consistent with all applicable site location requirements for day care centers, and is subject to operation and development standards contained in Chapter 19.290 of the Zoning Code.

### ***Recommendation***

Staff recommends a series of traffic and operational conditions aimed at addressing neighborhood compatibility concerns. Specifically, the project would not be permitted access from Little Court, except for emergency vehicles. In conjunction with the proposed rezoning, it is recommended that a building setback overlay zone be applied to require a minimum 15-foot building setback along Van Buren Boulevard, and the westerly property line adjacent to the residential flag lot with frontage on Little Court. The 15-foot building setback is consistent with surrounding development along Van Buren Boulevard, would allow for sufficient landscape area, and would ensure an appropriate separation of residential and commercial uses. Further, a building stories overlay zone is recommended to limit the number of stories to a maximum of two. Staff believes this will help preserve and promote the health, safety and general welfare of the neighboring residential community. And finally, it should be noted that the Riverside Police Department and Riverside County Planning Department was notified of the proposal, and no opposition was indicated. For these reasons there are no neighborhood compatibility impacts anticipated in conjunction with this project when subject to the recommended conditions of approval.

Please refer to the September 3, 2015, City Planning Commission staff report, recommended conditions and draft minutes for additional information.

### **FISCAL IMPACT:**

There is no impact to the General Fund, since all project costs are borne by the applicant.

Prepared by: Rafael Guzman, Community & Economic Development Director  
Certified as to  
availability of funds: Brent A. Mason, Finance Director/Treasurer  
Approved by: Al Zelinka, FAICP Assistant City Manager  
Approved as to form: Gary G. Geuss, City Attorney

### **Attachments:**

1. City Planning Commission Recommended Conditions
2. City Planning Commission Report – September 3, 2015
3. City Planning Commission Draft Minutes – September 3, 2015
4. Rezoning Ordinance
5. General Plan Amendment Resolution